



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID ERIC YELLEN,

Defendant.

Case: 2:23-cr-20338  
Assigned To : Roberts, Victoria A.  
Referral Judge: Stafford, Elizabeth A.  
Assign. Date : 6/13/2023  
Description: INDI USA V. YELLEN (NA)

**VIOLATIONS:**

18 U.S.C. § 2252A(a)(2)(A)

18 U.S.C. § 2252A(a)(5)(B)

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**INDICTMENT**

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**THE GRAND JURY CHARGES:**

**COUNT ONE**

18 U.S.C. § 2252A(a)(2)(A)

*Distribution of Child Pornography*

On or about May 11, 2023, in the Eastern District of Michigan, the defendant, DAVID ERIC YELLEN, knowingly distributed child pornography, as defined in 18 U.S.C. § 2256(8), that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and using a means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

**COUNT TWO**  
18 U.S.C. § 2252A(a)(5)(B)  
*Possession of Child Pornography*

On or about June 1, 2023, in the Eastern District of Michigan, the defendant, DAVID ERIC YELLEN, knowingly possessed material that contained child pornography, as defined in 18 U.S.C. § 2256(8)(A), which involved a prepubescent minor and a minor who had not attained 12 years of age, that had been mailed, shipped, and transported using a means and facility of interstate and foreign commerce, including a computer, and was produced using materials that had been mailed, shipped and transported in interstate and foreign commerce by any means, including a computer, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

**FORFEITURE ALLEGATION**  
18 U.S.C. § 2253  
*Criminal Forfeiture*

The allegations of this Indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253.

If convicted of an offense charged and set forth above, DAVID ERIC YELLEN, shall forfeit to the United States:

- a. any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- b. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- c. any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

**Substitute Assets.** Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), the defendant shall forfeit substitute property, up to the value of the property described above, if, by any act or omission of the defendant, the property described above cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has

been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

**THIS IS A TRUE BILL.**

*s/Grand Jury Foreperson*  
**GRAND JURY FOREPERSON**

**DAWN N. ISON**  
United States Attorney

*s/Brandy R. McMillion*  
**BRANDY R. McMILLION**  
Chief, General Crimes Unit  
Assistant United States Attorney

*s/Christopher W. Rawsthorne*  
**CHRISTOPHER W. RAWSTHORNE**  
Assistant United States Attorney

Date: June 13, 2023

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Assign. Date : 6/13/2023

Description: INDI USA V. YELLEN (NA)

United States District Court  
Eastern District of Michigan**Criminal Case Cover Sheet**

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<b>Companion Case Information</b>	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>CR</i>

Case Title: USA v. DAVID ERIC YELLENCounty where offense occurred : Oakland and elsewhereCheck One: ☒ Felony ☐ Misdemeanor ☐ Petty☐ Indictment/ ☐ Information --- no prior complaint.☒ Indictment/ ☐ Information --- based upon prior complaint [Case number: 23-mj-30227]☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].**Superseding Case Information**

Superseding to Case No: \_\_\_\_\_ Judge: \_\_\_\_\_

- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant nameChargesPrior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

June 13, 2023

Date

*Christopher W. Rawsthorne*

Christopher W. Rawsthorne  
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<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.